IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

OP.No. 31436 of 2002(S)

OA.1386/99 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONER:

P.RAGHAVA PODUVAL,
SENIOR ACCOUNTS OFFICER (IC),
OFFICE OF THE GENERAL MANAGER TELECOM, KANNUR,
PRESENTLY WORKING AS CAO, O/O. GM,
TELECOM DISTRIT, MANGALORE.

BY ADV. SRI.G.D.PANICKER
SMT.JEENA JOSEPH

RESPONDENTS:
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1. GENERAL MANAGER,
TELECOM DISTRICT, THAVAKKARA, KANNUR-670 002.

2. DEPUTY GENERAL MANAGER (OP),
OFFICE OF THE GENERAL MANAGER,
TELECOM DISTRICT, KANNUR.

3. DIRECTOR FINANCE & ACCOUNTS,
OFFICE OF THE GENERAL MANAGER,
TELECOM DISTRICT, KANNUR.

4. K.V.MOHANKUMAR,
DIRECTOR OF FINANCE & ACCOUNTS (SINCE RETIRED),
O/O. THE GENERAL MANAGER, TELECOM DISTRICT,
KANNUR, NOW RESIDING AT SITHARA, T.C.35/256S,
VALIYAVILA, THIRUVANANTHAPURAM.

5. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF COMMUNICATIONS, NEW DELHI.

BY ADV. SRI.C.S.RAMANATHAN, SC, BSNL

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 31436 of 2002

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- A TRUE PHOTO COPY OF THE ORIGINAL APPLICATION NO.1386/1999 ALONG WITH ITS ANNEXURES, FILED IN THE C.A.T ERNAKULAM BENCH.

EXT.P2- A TRUE PHOTO COPY OF THE REPLY FILED BY THE RESPONDENTS IN THE OA.1386/99

EXT.P3- A TRUE PHOTO COPY OF THE REJOINDER FILED BY THE PETITIONER IN THE OA.

EXT.P4- A TRUE PHOTO COPY OF THE ORDER DATED 27.3.2002 IN OA.1386/99 PASSED BY THE C.A.T, ERNAKULAM BENCH.

(TRUE COPY)

P.A TO JUDGE

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ

O.P.31436/2002

Dated this the 28th day of June, 2007

JUDGMENT

K.S.Radhakrishnan, J.

Original petition is filed against the order of Central Administrative Tribunal in O.A.1386/1999. It is unnecessary to refer the facts in detail. Suffice it to say that some adverse entries were recorded in the confidential report of the petitioner for the period 1997-98. One is that he had enjoyed the facilities of a service residential telephone connection at his permanent residence even after his transfer to another station and another entry was that he did not submit his transfer TA Bill for February, 1997, to his Controlling Officer and counter signed the bill himself violating the provisions of SR 192. CAT has found that there is no legality in enjoying the benefit of residential telephone, but it was held being an experienced senior Officer, he should not have countersigned his own TA Bill. Ext.P1 memo, issued by the first respondent, would also show that he did not authorise AO (Cash will function as Controlling Officer

for the purpose of TA and NR claims for Group B, C and D officials. For Group-A officers DGM will be the controlling officer). We are of the view that no ill motive has been attributed to the petitioners for forwarding the letter directly.

2. In the facts and circumstances, the entry made on the report stands expunged. Original petition is allowed and the adverse remarks in the ACR for the year 1997-98 will stand expunged. There is no such previous incident has been reported.

K.S.RADHAKRISHNAN
Judge

ANTONY DOMINIC
Judge

mrcs